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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
10

11 WALTER V. LUCAS,

No. CIV S-04-0586-GEB-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 B. ARNOLD,

15 Defendant.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant
18 to 42 U.S.C. § 1983. Defendant brought a motion for summary judgment, which was granted in
19 part and denied in part. (Doc. 103.) This case now proceeds on plaintiff's excessive force claim
20 only. Given that status, this matter may be ready to be set for trial. The parties shall therefore
21 each submit to the court and serve by mail on all other parties a report on the status of this case.
22 The report must address the following:

- 23 1. Whether this matter is ready for trial and, if not, why not;
24 2. Whether additional discovery is deemed necessary and, if so, the nature
25 and scope of the discovery and the time needed in which to complete it;
26 3. Whether a pretrial motion is contemplated and, if so, the type of motion

1 and the time needed to file the motion and complete the time schedule set forth in Local Rule 78-
2 230(m);

3 4. A narrative statement of the facts that will be offered by oral or
4 documentary evidence at trial;

5 5. A list of all exhibits to be offered into evidence at the trial of the case;

6 6. A list of the names and addresses of all witnesses the party intends to call;

7 7. A summary of the anticipated testimony of any incarcerated witnesses;

8 8. The time estimated for trial;

9 9. Whether either party still requests trial by jury;

10 10. As to any defendants who remain unserved, the parties shall address
11 whether such defendants should be dismissed under Federal Rule of Civil Procedure 4(m); and

12 11. Any other matter, not covered above, which the party desires to call to the
13 attention of the court.

14 The parties are warned that failure to file a status report which addresses the
15 issues set forth above may result in the imposition of appropriate sanctions, including dismissal
16 of the action or preclusion of issues or witnesses.

17 Accordingly, IT IS HEREBY ORDERED that:

18 1. Plaintiff's status report shall be filed and served within 30 days from the
19 date of service of this order; and

20 2. Defendants' status report shall be filed within 30 days after service of
21 plaintiff's status report.

22
23 DATED: March 24, 2008

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25 **CRAIG M. KELLISON**
26 UNITED STATES MAGISTRATE JUDGE